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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
SACRAMENTO DIVISION**

JUAN SANCHEZ, ) No. 1:20-cv-00533-SKO  
Plaintiff, )  
v. )  
KILOLO KIJAKAZI<sup>1</sup>, ) STIPULATION AND ORDER TO  
Acting Commissioner of Social Security, ) EXTEND BRIEFING SCHEDULE  
Defendant. ) (Doc. 20)

<sup>1</sup> Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi is substituted for Andrew Saul as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

1       The parties stipulate through counsel that Defendant, the Acting Commissioner of Social Security  
2 (the “Commissioner”), shall have an extension of time to file her opposition to Plaintiff’s opening brief  
3 in this case. In support of this request, the Commissioner respectfully states as follows:  
4

5       1. Primary responsibility for handling this case has been delegated to the Office of the  
6 Regional Chief Counsel, Region IX, in San Francisco, California (the “Region IX Office”).  
7

8       2. Defendant’s response to Plaintiff’s opening brief is currently due August 16, 2021.  
9 Defendant has not previously requested an extension of time for this deadline.  
10

11       3. The Region IX Office currently handles all district and circuit court litigation involving  
12 the Social Security program arising in Arizona, California, Hawai‘i, Nevada, and Guam.  
13

14       4. The Region IX Office employs 47 staff attorneys, of whom 27 handle civil litigation  
15 involving the Social Security program in the eight assigned jurisdictions, at least part-time. The Region  
16 IX Office currently has a significant increase in merit briefs due beyond historical averages.  
17

18       5. In addition to this “program” litigation, the 27 staff attorneys in the Region IX Office  
19 maintain other workload responsibilities, with most of them dedicating 40 percent or more of their time  
20 to these workloads. The Region IX Office provides a full range of legal services as counsel for the Social  
21 Security Administration, in a region that covers four states (including the most populous state in the  
22 nation) and three territories. These other workloads include employment litigation; civil rights  
23 investigations; bankruptcy matters; and requests for legal advice on wide-ranging topics, including  
24 employee conduct and performance, reasonable accommodation, hostile work environment, ethics,  
25 Privacy Act and disclosure, torts, property, and contracts.  
26

27       6. The undersigned attorney has eight briefs due in district court cases over the next month,  
28 as well as two pending Ninth Circuit appeals and two bankruptcy discharge matters.  
29

30       7. Due to the volume of the overall workload within the Region IX Office, neither the  
31 undersigned attorney nor another attorney in the Region IX Office anticipate being able to complete  
32 briefing by the current due date of August 16, 2021. Therefore, Defendant seeks an extension of 30 days,  
33 until September 15, 2021, to respond to Plaintiff’s opening brief.  
34

35       8. This request is made in good faith and is not intended to delay the proceedings in this  
36 matter.  
37

1 WHEREFORE, Defendant requests until September 15, 2021, to file her opposition to Plaintiff's  
2 opening brief.

3 Respectfully submitted,

4  
5 Date: August 9, 2021

PEÑA & BROMBERG, PLC

6 By: /s/ Caspar Chan for Jonathan Pena\*  
7 JONATHAN PENA  
8 \*Authorized by email on August 9, 2021  
Attorneys for Plaintiff

9 Date: August 9, 2021

10 PHILIP A. TALBERT  
11 Acting United States Attorney  
Eastern District of California

12 By: /s/ Caspar Chan  
13 CASPAR CHAN  
Special Assistant United States Attorney  
14 Attorneys for Defendant

15  
16  
17 ORDER

18 Pursuant to the Parties' above stipulation (Doc. 20), and for good cause shown,

19 IT IS ORDERED that Defendant shall have an extension, up to and including September 15, 2021,  
20 to respond to Plaintiff's opening brief. All other dates in the Scheduling Order (Doc. 16) shall be extended  
21 accordingly.

22  
23 IT IS SO ORDERED.

24 Dated: August 9, 2021

25 /s/ Sheila K. Oberto

26 UNITED STATES MAGISTRATE JUDGE

27  
28